
(2017) 03 RAJ CK 0091
In the Rajasthan High Court
Case No : 11702 of 2016

Gautam S/o Shri Udaji Patel

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 25-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 145](#) - Procedure where dispute concerning land or water is likely to cause breach of peace

Citation : (2017) 03 RAJ CK 0091

Hon'ble Judges : Gopal Krishan Vyas, G.R. Moolchandani

Bench : DIVISION BENCH

Advocate : Madanlal Purohit, P.R. Singh, Dr. Sachin Acharya

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties.

2. In this Public Interest Litigation writ petition, following

prayer has been made, which reads as under: -

"It is, therefore, most respectfully prayed on behalf of the public that this writ petition may kindly be allowed with cost and: -

a) By the appropriate writ, order or direction impugned order dated 28.4.1976 (Annex.-11) and order dated 25.4.2016 (Annex.-15) may very kindly be quashed and set aside.

b) By the appropriate writ, order or direction the land in question admeasuring 125 Bigha being Khasra No.949 to 954, 957 to 970, 971 to 975, 3182, 3204, 3205,

3207, 3221, 3222 and 3224 total No.42 admeasuring 24 hec. May again be entered as forest in the Revenue Document.

- c) This Hon''ble Court pleaded to call for the entire record and report and report of the commissioner by having inspection of the area by issuance of a writ of certiorari or any other appropriate writ, order;
- d) Record of the respondents may kindly be called; and appropriate enquiry may kindly be ordered to be initiated against the erring persons/officers/officer and
- e) Any other appropriate writ, order or direction and interim direction, which is considered just and proper in the facts and circumstances of the case, may kindly be passed."

3. Admittedly, for the land in question, proceedings under Section 145 Cr.P.C. was pending in the court of S.D.M., Girwa, since long in which final order (Annex.14) was passed on 25.04.2016. Against the said order, a revision petition was preferred by the petitioners, that too, was decided by the Addl. District & Sessions Judge, Udaipur, vide order dated 03.10.2016 (Annex.R/1) annexed with reply filed by the State. In the writ petition, it is nowhere disclosed by the petitioners that revision petition has been dismissed by the Addl. District & Sessions Judge, Udaipur.

4. In view of the fact that dispute in question is subject-matter of the proceedings under Section 145 Cr.P.C., so also, revision preferred by the petitioners against the order dated 25.04.2016 has been dismissed, therefore, this PIL writ petition is not maintainable because the petitioners are required to challenge the order dated 03.10.2016 passed by the learned Addl. District & Sessions Judge in revision petition, and such judicial orders cannot be adjudicated upon in this PIL writ petition.

5. Accordingly, this writ petition is hereby dismissed. However, the petitioners are at liberty to challenge the order dated 25.04.2016 (Annex.14) passed by the S.D.O., Girwa, so also the order passed by Addl. Sessions Judge, No.4, Udaipur dated 03.10.2016 (Annex.R/1) by availing remedy available to them

under the law.